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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/591,264 | 08/31/2006 | Keishi Okamoto | 2006_1270A | 9298 |
| 52349 7590 03/22/2010 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503 | | | | |
| EXAMINER | | | | |
| NGUYEN, HUY THANH | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2621 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/591,264

Applicant(s)

OKAMOTO ET AL.

Examiner

HUY T. NGUYEN

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG-08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Interval Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishige (7,386, 219) in view of Chatani et al (7,113,693) and Wilkinson et al ("Tool and Technique for Globally Unique Content Identification" pages 795-799, cited in IDS filed 31 August 2006)).

Regarding claims 1, 4 and 7 Ishige discloses a recording apparatus (Figs. 1-3, column 3) which records a first data with a high resolution and a second data with a resolution lower than the resolution of the first data as separate files, the first data and

the second data being generated from a same video and audio source, said recording apparatus comprising:

an input unit operable to receive the video and audio source from outside;

a first coding unit operable to code the video and audio source inputted from said input unit in order to generate the first data;

a second coding unit operable to code the video and audio source inputted from said input unit in order to generate the second data, the second data being coded with a resolution lower than a resolution of the first data (column 10, lines 35-57); and

a recording unit operable to record at least the data coded by said first coding unit onto a recording medium,

wherein the second data includes identification information unique to the first data.

Ishige further teaches using identification for the recorded data for editing (column 4, lines 25-30).

Further Ishige teaches editing the data (column 4).

Ishige fails to teach that the medium having an ID.

Chatani teaches using a medium identifier ID (column 2, lines 30-45).

It would have been obvious to one of ordinary skill in the art to modify Ishige with Chatani by providing the medium of Ishige with an ID thereby preventing error in editing the data.

Ishige as modified with Chatani fails to specifically teach the identification of data and medium are in a form of unique material identifier. However, it is noted that using unique material identifier is well known in the art as taught by Wilkinson (page

789). Therefore it would have been obvious to one of ordinary skill in the art to modify Ishige as modified with Chatani with Wilkinson by providing the identification of the data and medium of Ishige as Unique Material Identifier thereby accurately identifying the data and medium.

3. Claims 2, 3, 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishige in view of Chatani and Wilkinson et al ("Tool and Technique for Globally Unique Content Identification" pages 795-799, cited in IDS filed 31 August 2006)) as applied to claims 1, 4 and 7 above, further in view of Basso et al (6,292,805).

Regarding claims 2, 3, 5 and 8, Ishige further teaches a file format of second data is a MPEG format (column 3, lines 1-15) but fails to specifically teach using MPEG 4 format.

Basso teaches using MPEG 4 format for data. It would have been obvious to one of ordinary skill in the art to modify Ishige with Basso by using MPEG 4 well known in the art as taught by Basso as an alternative format file to the file format of Ishige.

Basso further teaches storing identifier in a box of MPEG 4 format (Fig. 1, column 4) but fails to specifically teach that the identifier is a Unique Material Identifier and the Unique Material Identifier stored in a skip box.

Wilkinson teaches using a Unique Material Identifier stored in skip box (page 798).

It would have been obvious to one of ordinary skill in the art to modify Ishige as modified with Basso with Wilkinson by provide the identifier of Ishige as a Unique

Material Identifier in a skip box of MPEG 4 format thereby reducing the interference between the Identifier and data .

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/
Primary Examiner, Art Unit 2621